

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:04cv44

MBNA AMERICAN BANK, N.A.,)	
Plaintiff,)	
)	
vs.)	
)	<u>ORDER</u>
STEVEN P. AUSTIN,)	
Defendant.)	
_____)	

On July 28, 2005, the magistrate judge issued a Memorandum and Recommendation (Doc. No 11) in the above-captioned case recommending that Plaintiff's Motion to Remand (Doc. No. 7) be granted. The parties were advised that objections were to be filed in writing within ten days after service of the magistrate judge's decision. The deadline for filing objections has since passed and neither party has filed objections in this matter. After a careful review of the Memorandum and Recommendation, the Court finds that the magistrate judge's proposed findings of fact are supported by the record and the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the magistrate judge's recommendation that Plaintiff's motion be granted.

THEREFORE, IT IS HEREBY ORDERED that Plaintiff's Motion to Remand is **GRANTED** and this case is **REMANDED** to the General Court of Justice, District Court Division, of Catawba County, North Carolina for all future proceedings.

Signed: March 1, 2006

A handwritten signature in dark ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

